

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

AGATHA MARTIN WILLIAMS,

Petitioner,

v.

RONETTE BURKES, WARDEN,
OHIO REFORMATORY FOR WOMEN,

Respondent.

CASE NO. 2:14-CV-0132
JUDGE EDMUND A. SARGUS, JR.
MAGISTRATE JUDGE ABEL

OPINION AND ORDER

On February 5, 2014, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. 2254 be dismissed. This matter is before the Court on Petitioner's *Objection*¹ to the Magistrate Judge's *Report and Recommendation*, and her *Motion to Stay State Proceedings, Motion for Release from Custody and To Set Bail or Bond* and her *Motion for Leave to Proceed in forma pauperis*. For the reasons that follow, Petitioner's *Objection*, Doc. No. 9, is **DENIED**. This case hereby is **TRANSFERRED** to the United States District Court for the Northern District of Ohio. Petitioner's *Request for a Stay State Proceedings*, Doc. No. 2, is **DENIED**. Her *Motion for Leave to Proceed in forma pauperis* Doc. No. 5, is **GRANTED**.

Petitioner's *Motion for Release from Custody and To Set Bail or Bond*, Doc. No. 14, is **DENIED** without prejudice to renewal in the United States District Court for the Northern District of Ohio.

¹ Petitioner indicates that she is filing a *Motion for Reconsideration* of the Magistrate Judge's Order. This Court construes that motion as an *Objection* to the Magistrate Judge's *Report and Recommendation*.

Objection

Petitioner objects to the Magistrate Judge's recommendation that this case be transferred to United States District Court for the Northern District of Ohio. Petitioner contends that the Northern District is not an impartial court. She asserts that she will suffer irreparable harm in view of the media coverage, because the bar association in that district pursued her disbarment, she was a former judicial candidate, and because she previously filed an affidavit for disqualification of the trial judge from presiding over her re-sentencing hearing.

Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review. This Court is not persuaded by Petitioner's arguments. Nothing before the Court reflects that Petitioner cannot obtain an impartial and fair adjudication of her petition for a writ of habeas corpus in the Northern District, which is the more appropriate forum for this case. Petitioner's *Objection* Doc. No. 9, is denied.


Petitioner also objects to the Magistrate Judge's recommendation that her request for a stay (Doc. No. 2) be denied. Petitioner complains that she has no access to a law library or legal material while incarcerated at the Ohio Reformatory for Women where she had access to the prison's law library. She contends that she will suffer irreparable emotional and medical harm while incarcerated at the Stark County Jail. Petitioner alleges that she has no access to correspondence from the state courts regarding the status of her case while incarcerated in the Stark County Jail. She states that she is without legal counsel, indigent and cannot afford counsel and that the courts therefore may not be fair. She complains that she is unable to file legal pleadings in her case while incarcerated in the Stark County Jail and that she will lose her place in the rehabilitation program at the Ohio Reformatory for Women. She states that her

daughter resides in Columbus and she will lose family support. She complains that the state trial court denied her bond. She requests this Court to order her transfer to the Ohio Reformatory for Women and stay her re-sentencing hearing until that time.

Contrary to Petitioner's allegations here, the record reflects she has adequately been able to file her habeas corpus petition, as well other motions in this Court. There is no reason to believe that she cannot continue to do so or cannot obtain notice of the status of her case while incarcerated at Stark County Jail. The record indicates to the contrary. Likewise, there is no reason to believe she will be denied medical assistance or fair and impartial adjudication of her case while incarcerated in the Stark County Jail. None of Petitioner's allegations regarding her request for a stay reflects that a stay is warranted.

Petitioner's *Objection* Doc. No. 9, is **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This case hereby is **TRANSFERRED** to the United States District Court for the Northern District of Ohio. Petitioner's request for a stay, Doc. No. 2, is **DENIED**. Her *Motion for Release From Custody and to Set Bail or Bond*, Doc. No. 14, is **DENIED** without prejudice to renewal in the United States District Court for the Northern District of Ohio. Petitioner's *Motion for Leave to Proceed in forma pauperis*, Doc. No. 5, is **GRANTED**.

IT IS SO ORDERED.

 4-22-2014
EDMUND A. SARGUS, JR.
United States District Judge